

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

R.J. REYNOLDS TOBACCO
COMPANY, a North Carolina
Corporation,

Plaintiff,

v.

ROB MCKENNA, in his capacity as
Attorney General of Washington;
and MERRITT D. LONG, VERA
ING, and ROGER HOEN in their
capacities as Members of the
Washington State Liquor Control
Board,

Defendants.

NO. C06-5223 FDB

STIPULATED MOTION ADJUSTING
BRIEFING SCHEDULE AND
NOTING DATE RE: PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES

NOTE ON MOTION CALENDAR
FOR OCTOBER 20, 2006

I. STIPULATED MOTION

Defendants Rob McKenna, et al., and Plaintiff R.J. Reynolds Tobacco Company, by and through their respective counsel, move the court to adjust the noting date for the Plaintiff's motion for attorneys' fees and the respective briefing dates for the parties as follows:

1. Plaintiff's motion for attorneys' fees shall be re-noted for November 10, 2006;
and

2. The Defendants' responsive briefing shall be electronically filed no later than
October 31, 2006.

II. DECLARATION OF COUNSEL

I, Rene D. Tomisser, hereby declare under penalty of perjury under the laws of the
State of Washington that the following statements are true and correct:

1. I am an attorney admitted to practice in the State of Washington and before this
court, and I am lead counsel for the Defendants in this cause of action.

2. On October 9, 2006, I spoke with counsel for Plaintiff, Mr. Brad Keller, and we
agreed to the adjustment of Plaintiff's noting date for the motion for attorneys' fees and
briefing schedule as stated above.

III. ORDER

Based upon the stipulation of counsel for the parties, it is so ordered that:

1. Plaintiff's motion for attorneys' fees is renoted for November 10, 2006; and
2. Defendants' response brief is due on October 31, 2006.

DATED this 11th day of October 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I hereby certify that on October 10, 2006, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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